

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CHEVRON ENVIRONMENTAL MANAGEMENT
COMPANY, CHEVRON ENVIRONMENTAL SERVICES
COMPANY, TEXACO, INC.,

Plaintiffs,

v.

INDIAN REFINING I LIMITED PARTNERSHIP (f/k/a
Indian Refining Limited Partnership), INDIAN REFINING &
MARKETING I, INC. (f/k/a Indian Refining & Marketing,
Inc.), CASTLE ENERGY CORPORATION, WILLIAM S.
SUDHAUS, WITCO CORPORATION, PIONEER ASPHALT
CORPORATION, and CROMPTON CORPORATION,

Defendants.

Case No. 02-cv-4162-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the stipulation of dismissal (Doc. 296) pursuant to Federal Rule of Civil Procedure 41(a)(1) filed by all parties who have appeared in this case. However, Rule 41(a)(1) is inapplicable in that it speaks only of dismissing “an action” and not dismissing one claim or one defendant. To remedy this deficiency, the Court construes the stipulation as an agreed motion to voluntarily dismiss with prejudice pursuant to Rule 41(a)(2) all claims in the Third Amended Complaint against defendants Indian Refining I Limited Partnership, Indian Refining & Marketing I, Inc., Castle Energy Corporation and William S. Sudhaus. Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment or in the absence of a stipulation of dismissal of the entire action signed by all parties who have appeared.

The Court hereby **GRANTS** the motion to dismiss (Doc. 296), **DISMISSES with prejudice** all claims in the Third Amended Complaint against defendants Indian Refining I Limited Partnership, Indian Refining & Marketing I, Inc., Castle Energy Corporation and

William S. Sudhaus, and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case. Defendants Indian Refining I Limited Partnership, Indian Refining & Marketing I, Inc., Castle Energy Corporation and William S. Sudhaus are terminated from this action.

The following motions are rendered **MOOT** by this order:

- Motion for Summary Judgment (Doc. 244) filed by defendants Indian Refining I Limited Partnership and Indian Refining & Marketing I Inc.;
- Motion for Summary Judgment (Doc. 277) filed by defendant Castle Energy Corporation;
- Motion for Summary Judgment (Doc. 280) filed by defendant William S. Sudhaus;
- Motion to Strike (Doc. 281) filed by plaintiffs Chevron Environmental Management Company and Chevron Environmental Services Company; and
- Motion to Enforce Settlement (Doc. 284) filed by Castle Energy Corporation. The hearing on this motion scheduled for October 13, 2005, is **VACATED**.

SO ORDERED:

s/ J. Phil Gilbert
Judge

Dated this 12th day of October, 2005.